

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

Complaint of Joseph B. Hurwitz and Steven
G. Kimbell, COMPLAINANTS

Docket No. C99-3

MOTION OF UNITED STATES POSTAL SERVICE
FOR EXTENSION OF TIME IN WHICH TO FILE AN ANSWER
(May 10, 1999)

On April 9, 1999, the Postal Rate Commission received a document captioned "Joseph B. Hurwitz, et al., Class-Action Complaint of Wrongful Change of Postal Address and Motion to Rescind the 'ZIP Code Boundary Review Process' Survey Guidelines" filed by Joseph B. Hurwitz and Steven G. Kimbell. By letter dated that same day, the Office of the Secretary, Postal Rate Commission, designated the docket number above and advised the General Counsel, United States Postal Service, of the complaint's filing under title 39, United States Code § 3662.

By a separate pleading filed today, the Postal Service has moved that the Complaint be dismissed, on a number of grounds. In order to avoid the filing of further pleadings which ultimately may become unnecessary if the Complaint is dismissed, and to conserve the resources of the the Commission, the Postal Service and Complainants, the Postal Service hereby moves that the 30-day time limit for the filing of an answer be tolled pending final disposition of the motion to dismiss. The Postal Service notes that the Federal Rules of Civil Procedure provide for deferral of the filing of a responsive pleading in similar circumstances. See Fed. R. Civ. P. 12(a)(4). Since Complainants challenge the continued application of policies established in 1991, it is unlikely that the requested deferral will substantially prejudice Complainants' interests.

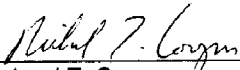
Should the Commission deny the pending motion to dismiss, the Postal Service would be prepared to file its Answer within 10 days after notice of the Commission's action.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

Daniel J. Foucheaux
Chief Counsel
Ratemaking



Richard T. Cooper
Attorney

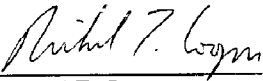
CERTIFICATE OF SERVICE

I hereby certify that, in accordance with section 12 of the Rules of Practice, I have this day served the foregoing document upon:

Joseph B. Hurwitz
10204 Kindly Court
Montgomery Village, MD 20886

and

Steven G. Kimbell
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May 10, 1999